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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------------|
| 10/750,117 | 12/31/2003 | R. Kevin Ray | 578340326192 | 9788 |
| 7590 Lorri W. Cooper JONES DAY 901 Lakeside Avenue Cleveland, OH 44114 | | 12/20/2007 | EXAMINER SMALLEY, JAMES N | |
| | | | ART UNIT 3781 | PAPER NUMBER |
| | | | MAIL DATE 12/20/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,117

Applicant(s)

RAY, R. KEVIN

Examiner

James N. Smalley

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 16-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 6, 14, 15 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Meehan et al. US 3,536,281.

Meehan '281 teaches a container (64) with at least one opening (see note below), comprising three clips which only partially surround one side of the support beam/spray lance, comprising two end clips (32, 34) and one middle clip (24). The device is capable of being used in the intended manner, i.e. it is capable of being attached parallel to the spray lance of a pressure washer. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Examiner notes the reference teaches the bracket to be used for attaching pipes to support beams. It is well known pipes have open ends and transport fluids. Thus, the pipe meets the claimed limitation of having at least one opening and being configured to house a chemical. Liquid in a pipe can rest along the bottom of the inner surface of a pipe. While not an ideal storage situation, such is very possible and meets the claimed limitation of being configured to house a liquid chemical.

3. Claims 11, 13, 16-18, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. US 5,520,307.

Miller '307 teaches, in the embodiment of figures 7-9, a closure in which an inner cap (12) has first and second openings (26, in addition to two more openings), and an outer cap (14) with a third opening (30) which can be aligned with the openings, or aligned to a third closure position. Examiner

notes column 5, lines 9-12, whereby the reference teaches anti-rotation means may be added, thus indicating the core embodiment allows rotation in either direction.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boughton US 4,345,704 in view of Meehan et al. US 3,536,281.

Boughton '704 teaches a drinking container/hollow member to be mounted to the frame of a bicycle and includes an inner cap (28), an outer cap (38) moveable relative to the inner cap, and locking means (22, 24) for joining the cap to the container/hollow member. The reference fails to teach two clips positioned on the hollow member, spaced and longitudinally separate from each other.

Meehan '281 teaches a mounting bracket comprising three clips which only partially surround one side of the support beam/spray lance, comprising two end clips (32, 34) and one middle clip (24). The reference furthermore discloses the bracket allows for "securely hanging conduit, pipe and other components used therewith in a simple, efficient manner, so that the pipe or component once in position may be easily adjustable and movable." Examiner furthermore points out the mounting bracket (62) of Boughton '704 includes a screw (78) in order to secure the bracket to the bike frame.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bracket of Boughton '704, replacing it with the bracket taught by Meehan '281, motivated by the benefit of permitting a secure connection which is moveable without having to screw the bracket in place, thus allowing for faster position of the water bottle.

6. Claim 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. US 5,520,307 as applied above under 35 U.S.C. 102(b) to claim 11, in view of Northup US 4,091,948.

Regarding claim 12, Miller '307 fails to teach a non-leaking connection as there appears to be a gap between the inner cap (12) and the container neck, in figure 9.

Examiner notes bayonet-type connections require a biasing means in order to push the cap away from the container in order to lock it in the bayonet cams (18). For this, Miller '307 teaches resilient flaps (23) in the first embodiment. However, these do not provide any type of seal, and it would NOT be obvious to one of ordinary skill in the art to provide a medication container without some type of seal with respect to ambient. It is furthermore well known in the art to provide biasing means for bayonet-type cam connections which also provide the additional benefit of container sealing.

Northup '948 teaches, in the embodiment of figures 5-7, an embodiment whereby an annular biasing lug (14) in the closure also seals against the container lip in order to provide a seal for the container.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the container of Miller '307, providing the cap seal (14) of Northup '948 in place of the resilient flaps (23) of Miller, motivated by the benefit of providing means for sealing the container from ambient conditions.

Regarding claim 19, the claim does not specifically require a second seal, and thus the seal of Northup '948, when added to the container of Miller '307, would be in the vicinity of the first and second openings, and thus meets the claimed limitation.

Response to Arguments

7. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

8. Claims 6, 14-15 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James N. Smalley whose telephone number is (571) 272-4547. The examiner can normally be reached on Monday - Friday 10 am - 7 pm.

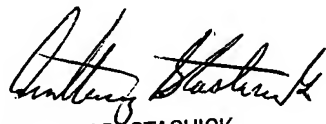
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jns



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